

112TH CONGRESS
1ST SESSION

S. 1571

To amend title I of the Elementary and Secondary Education Act of 1965,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2011

Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. KIRK, Mr. RUBIO, Mr. ROBERTS, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title I of the Elementary and Secondary Education
Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elementary and Sec-
5 ondary Education Amendments Act of 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of purpose.
- Sec. 5. Authorization of appropriations.

Sec. 6. School improvement and State administration.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

Sec. 101. Basic program requirements.

TITLE II—ACADEMIC ASSESSMENTS

Sec. 201. Academic assessments.

TITLE III—NATIONAL ASSESSMENT OF TITLE I

Sec. 301. Evaluations.

Sec. 302. Demonstrations of innovative practices.

TITLE IV—GENERAL PROVISIONS

Sec. 401. General provisions.

TITLE V—TRANSFERABILITY OF FUNDS

Sec. 501. Transferability of funds.

TITLE VI—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Sec. 601. Authorizations of appropriations.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

8 **SEC. 4. STATEMENT OF PURPOSE.**

9 Section 1001 (20 U.S.C. 6301) is amended to read
10 as follows:

11 **“SEC. 1001. STATEMENT OF PURPOSE.**

12 “The purpose of this title is to ensure that all chil-
13 dren have a fair, equal, and significant opportunity to re-
14 ceive a high-quality education that prepares them for col-

1 lege and a career, without the need for academic remedi-
2 ation, and to close the achievement gap between high- and
3 low-performing children, especially the achievement gaps
4 between minority and nonminority students, and between
5 disadvantaged children and their more advantaged
6 peers.”.

7 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 1002 (20 U.S.C. 6302) is amended to read
9 as follows:

10 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
12 the purpose of carrying out part A, there are authorized
13 to be appropriated \$14,463,416,198 for each of fiscal
14 years 2012 through 2016.

15 “(b) SCHOOL TURNAROUND AND PUBLIC SCHOOL
16 CHOICE.—For the purpose of carrying out section
17 1114(c), there are authorized to be appropriated
18 \$534,561,734 for each of fiscal years 2012 through 2016.

19 “(c) STATE ASSESSMENTS.—For the purpose of car-
20 rying out part B, there are authorized to be appropriated
21 \$389,950,536 for each of fiscal years 2012 through 2016.

22 “(d) EDUCATION OF MIGRATORY CHILDREN.—For
23 the purpose of carrying out part C, there are authorized
24 to be appropriated \$393,981,458 for each of fiscal years
25 2012 through 2016.

1 “(e) PREVENTION AND INTERVENTION PROGRAMS
 2 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
 3 RISK.—For the purpose of carrying out part D, there are
 4 authorized to be appropriated \$50,326,146 for each of fis-
 5 cal years 2012 through 2016.

6 “(f) FEDERAL ACTIVITIES.—For the purpose of car-
 7 rying out section 1501, there are authorized to be appro-
 8 priated such sums as may be necessary for each of fiscal
 9 years 2012 through 2016.”.

10 **SEC. 6. SCHOOL IMPROVEMENT AND STATE ADMINISTRA-**
 11 **TION.**

12 The Act (20 U.S.C. 6301 et seq.) is amended—

13 (1) by striking section 1003; and

14 (2) by redesignating section 1004 as section
 15 1003.

16 **TITLE I—IMPROVING BASIC PRO-**
 17 **GRAMS OPERATED BY LOCAL**
 18 **EDUCATIONAL AGENCIES**

19 **SEC. 101. BASIC PROGRAM REQUIREMENTS.**

20 Subpart 1 of part A of title I (20 U.S.C. 6311 et
 21 seq.) is amended—

22 (1) by striking sections 1111 through 1117 and
 23 inserting the following:

24 **“SEC. 1111. STATE PLANS.**

25 “(a) PLANS REQUIRED.—

1 “(1) IN GENERAL.—For any State desiring to
2 receive a grant under this part, the State edu-
3 cational agency shall submit to the Secretary a plan,
4 developed by the State educational agency in con-
5 sultation with local educational agencies, teachers,
6 principals, pupil services personnel, administrators,
7 other staff, and parents, that satisfies the require-
8 ments of this section.

9 “(2) CONSOLIDATED PLAN.—A State plan sub-
10 mitted under paragraph (1) may be submitted as
11 part of a consolidated plan under section 9302.

12 “(3) PEER REVIEW AND SECRETARIAL AP-
13 PROVAL.—

14 “(A) IN GENERAL.—The Secretary shall—

15 “(i) establish a peer-review process to
16 assist in the review of State plans;

17 “(ii) establish multidisciplinary peer
18 review teams and appoint their members,
19 including persons with State educational
20 agency, local educational agency, and
21 broader education reform experience, and
22 those who are familiar with academic
23 standards, assessments, accountability, the
24 needs of low-performing schools, and other
25 educational needs of students; and

1 “(iii) approve a State plan within 45
2 days of its submission unless the Secretary
3 demonstrates that the plan does not meet
4 the requirements of this section.

5 “(B) PURPOSE OF PEER REVIEW.—The
6 peer review process shall be designed to—

7 “(i) promote effective implementation
8 of college and career ready standards
9 through State and local innovation; and

10 “(ii) provide transparent feedback to
11 States designed to strengthen the State’s
12 plans.

13 “(C) STANDARD AND NATURE OF RE-
14 VIEW.—Peer reviewers shall conduct a good
15 faith review of State plans in their totality and
16 in deference to State and local judgments, with
17 the goal of promoting State- and local-led inno-
18 vation.

19 “(4) STATE PLAN DETERMINATION, DEM-
20 ONSTRATION, AND REVISION.—If the Secretary de-
21 termines that the State plan does not meet the re-
22 quirements of this subsection or subsection (b) or
23 (c), the Secretary shall, prior to declining to approve
24 a State plan—

1 “(A) immediately notify the State of such
2 determination;

3 “(B) provide a detailed description of the
4 specific requirements of this subsection or sub-
5 section (b) or (c) of the State plan that the Sec-
6 retary determines fails to meet such require-
7 ments;

8 “(C) offer the State an opportunity to re-
9 vise and resubmit its plan within 60 days of
10 such determination;

11 “(D) provide technical assistance, upon re-
12 quest of the State, in order to assist the State
13 to meet the requirements of this subsection or
14 subsection (b) or (c); and

15 “(E) conduct a public hearing within 30
16 days of such resubmission, with public notice
17 provided not less than 15 days before such
18 hearing.

19 “(5) STATE PLAN DISAPPROVAL.—The Sec-
20 retary shall have the authority to disapprove a State
21 plan if the State has been notified and offered an
22 opportunity to revise and submit with technical as-
23 sistance under paragraph (4), and—

24 “(A) the State does not revise and resub-
25 mit its plan; or

1 “(B) the State revises and resubmits a
2 plan that the Secretary determines does not
3 meet the requirements of this part after a hear-
4 ing conducted under paragraph (4)(E).

5 “(6) LIMITATIONS.—The Secretary shall not
6 have the authority to require a State, as a condition
7 of approval of the State plan, to—

8 “(A) include in, or delete from, such plan
9 1 or more specific elements of the State’s aca-
10 demic content standards or academic achieve-
11 ment standards;

12 “(B) use specific academic assessment in-
13 struments or items; or

14 “(C) include in, or delete from, such a plan
15 any criterion that specifies, defines, or pre-
16 scribes the standards or measures that State or
17 local educational agencies use to establish, im-
18 plement, or improve—

19 “(i) State standards;

20 “(ii) assessments;

21 “(iii) State accountability systems;

22 “(iv) systems that measure student
23 growth;

24 “(v) measures of other academic indi-
25 cators; or

1 “(vi) teacher and principal evaluation
2 systems.

3 “(7) PUBLIC REVIEW.—All written communica-
4 tions, feedback, and notifications under this sub-
5 section shall be conducted in a manner that is trans-
6 parent and immediately made available to the public
7 through the Department website, including—

8 “(A) plans submitted or resubmitted by a
9 State;

10 “(B) peer review comments;

11 “(C) State plan determinations by the Sec-
12 retary, including approvals or disapprovals; and

13 “(D) public hearings under this section.

14 “(8) DURATION OF THE PLAN.—

15 “(A) IN GENERAL.—Each State plan
16 shall—

17 “(i) remain in effect for the duration
18 of the State’s participation under this part;

19 and

20 “(ii) be periodically reviewed and re-
21 vised as necessary by the State educational
22 agency to reflect changes in the State’s
23 strategies and programs under this part.

24 “(B) ADDITIONAL INFORMATION.—A State
25 shall notify the Secretary if a State makes sig-

1 nificant changes to its plan, such as the adop-
2 tion of new State academic content standards,
3 State academic achievement standards, new
4 academic assessments, or changes to its ac-
5 countability system under subsection (b)(3).

6 “(9) FAILURE TO MEET REQUIREMENTS.—If a
7 State fails to meet any of the requirements of this
8 section, then the Secretary may withhold funds for
9 State administration under this part until the Sec-
10 retary determines that the State has fulfilled those
11 requirements.

12 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
13 MENTS, AND STATE ACCOUNTABILITY SYSTEMS.—

14 “(1) COLLEGE AND CAREER READY ACADEMIC
15 STANDARDS.—

16 “(A) IN GENERAL.—Each State shall pro-
17 vide an assurance that the State has adopted
18 college and career ready academic content
19 standards and student academic achievement
20 standards that will be used by the State, its
21 local educational agencies, and its schools to
22 carry out this part.

23 “(B) SAME STANDARDS.—The standards
24 required by subparagraph (A) shall be the same

1 standards that the State applies to all public
2 schools and public school children in the State.

3 “(C) SUBJECTS.—The State shall have
4 such standards in mathematics, reading or lan-
5 guage arts, and science, and any other subjects
6 as determined by the State, which shall include
7 the same knowledge, skills, and levels of
8 achievement expected of all children in the
9 State.

10 “(D) ALIGNMENT.—Each State shall pro-
11 vide an assurance to the Secretary that the
12 State’s college and career ready standards for
13 academic content and student academic achieve-
14 ment are aligned with—

15 “(i) entrance requirements, without
16 the need for academic remediation, for an
17 institution of higher education in the
18 State; and

19 “(ii) State performance measures
20 identified in the State plan under section
21 113(b) of the Carl D. Perkins Career and
22 Technical Education Act of 2006.

23 “(E) ALTERNATE ACADEMIC ACHIEVE-
24 MENT STANDARDS.—Notwithstanding any other
25 provision of this paragraph, a State may,

1 through a documented and validated standards-
2 setting process, adopt alternate academic
3 achievement standards for students with the
4 most significant cognitive disabilities who take
5 an alternate assessment, provided those stand-
6 ards—

7 “(i) are aligned with the State’s col-
8 lege and career ready academic content
9 standards under subparagraph (A);

10 “(ii) promote access to the general
11 curriculum; and

12 “(iii) reflect professional judgment of
13 the highest achievement standards attain-
14 able by those students.

15 “(F) MODIFIED ACADEMIC ACHIEVEMENT
16 STANDARDS.—Notwithstanding any other provi-
17 sion of this paragraph, a State may, through a
18 documented and validated standards-setting
19 process, adopt modified academic achievement
20 standards for students who have disabilities
21 that preclude them from meeting State student
22 achievement standards within the academic year
23 covered by a student’s individualized education
24 program under section 614(d) of the Individ-

1 uals with Disabilities Education Act, provided
2 those standards—

3 “(i) are aligned with the State’s col-
4 lege and career ready academic content
5 standards under subparagraph (A) for the
6 grade in which the student is enrolled; and

7 “(ii) are challenging for such eligible
8 students, but may be less difficult than the
9 grade-level academic achievement stand-
10 ards under this section.

11 “(G) ENGLISH LANGUAGE PROFICIENCY
12 STANDARDS.—Each State plan shall provide an
13 assurance that the State has adopted English
14 language proficiency standards that are aligned
15 with the State’s academic content standards
16 under subparagraph (A). Such standards
17 shall—

18 “(i) ensure proficiency in each of the
19 domains of speaking, listening, reading,
20 and writing;

21 “(ii) address the different proficiency
22 levels of English language learners; and

23 “(iii) be aligned with the State’s aca-
24 demic content standards in reading or lan-
25 guage arts so that achieving proficiency

1 against the State’s English language pro-
2 ficiency standards indicates a sufficient
3 knowledge of English to measure validly
4 and reliably the student’s achievement on
5 the State’s reading or language arts stand-
6 ards.

7 “(H) PROHIBITION.—A State shall not be
8 required to submit any standards developed
9 under this subsection for academic content or
10 student academic achievement to the Secretary
11 for review or approval.

12 “(I) EXISTING STANDARDS.—Nothing in
13 this part shall prohibit a State from revising,
14 consistent with this section, any standard
15 adopted under this part before or after the date
16 of enactment of the Elementary and Secondary
17 Education Amendments Act of 2011.

18 “(2) ACADEMIC ASSESSMENTS.—

19 “(A) IN GENERAL.—Each State plan shall
20 provide an assurance that the State educational
21 agency, in consultation with local educational
22 agencies, has implemented a set of high-quality,
23 yearly student academic assessments that in-
24 clude, at a minimum, academic assessments in
25 mathematics and reading or language arts that

1 will be used as the primary means of deter-
2 mining the yearly performance of each school in
3 the State in enabling all children to meet the
4 State’s challenging student academic achieve-
5 ment standards.

6 “(B) REQUIREMENTS.—Each State plan
7 shall provide an assurance that such assess-
8 ments—

9 “(i) are the same academic assess-
10 ments used to measure the achievement of
11 all students;

12 “(ii) are aligned with the State’s aca-
13 demic content and student academic
14 achievement standards, and provide coher-
15 ent information about student attainment
16 of such standards;

17 “(iii) are used for purposes for which
18 such assessments are valid and reliable, be
19 of adequate technical quality for each pur-
20 pose required under this Act, and be con-
21 sistent with relevant, nationally recognized
22 professional and technical standards;

23 “(iv)(I) measure the annual academic
24 achievement of all students against the
25 State’s academic achievement standards in

1 mathematics and reading or language arts,
2 and be administered—

3 “(aa) in each of grades 3
4 through 8; and

5 “(bb) at least once in grades 9
6 through 12; and

7 “(II) measure the academic achieve-
8 ment of all students against the State’s
9 academic achievement standards in science,
10 and be administered not less than one
11 time, during—

12 “(aa) grades 3 through 5;

13 “(bb) grades 6 through 8; and

14 “(cc) grades 9 through 12;

15 “(v) involve multiple up-to-date meas-
16 ures of student academic achievement, in-
17 cluding measures that assess higher-order
18 thinking skills and understanding and
19 measure growth in student academic
20 achievement;

21 “(vi) provide for—

22 “(I) the participation in such as-
23 sessments of all students;

24 “(II) the reasonable adaptations
25 and accommodations for children with

1 disabilities (as defined in section
2 602(3) of the Individuals with Dis-
3 abilities Education Act) necessary to
4 measure the academic achievement of
5 such children relative to State aca-
6 demic content and student academic
7 achievement standards; and

8 “(III) alternate assessments
9 aligned with grade-level academic con-
10 tent and academic achievement stand-
11 ards, unless the State develops alter-
12 nate assessments aligned with—

13 “(aa) alternate academic
14 achievement standards, con-
15 sistent with subparagraph (C),
16 for students with the most sig-
17 nificant cognitive disabilities; or

18 “(bb) modified academic
19 achievement standards consistent
20 with subparagraph (C); and

21 “(IV) the inclusion of English
22 language learners, who shall be as-
23 sessed in a valid and reliable manner
24 and provided reasonable accommoda-
25 tions on assessments administered to

1 such students under this paragraph,
2 including, to the extent practicable,
3 assessments in the language and form
4 most likely to yield accurate data on
5 what such students know and can do
6 in academic content areas, until such
7 students have achieved English lan-
8 guage proficiency, as determined
9 under paragraph (1)(G);

10 “(vii) produce individual student in-
11 terpretive, descriptive, and diagnostic re-
12 ports, consistent with clause (iii), that
13 allow parents, teachers, and principals to
14 understand and address the specific aca-
15 demic needs of students, and include infor-
16 mation regarding achievement on academic
17 assessments, and that are provided to par-
18 ents, teachers, and principals in a timely
19 manner after the assessment is given, in
20 an understandable and uniform format;
21 and

22 “(viii) enable results to be
23 disaggregated within each State, local edu-
24 cational agency, and school, by—

1 “(I) each major racial and ethnic
2 group;

3 “(II) economically disadvantaged
4 students as compared to students who
5 are not economically disadvantaged;

6 “(III) students with disabilities
7 as compared to nondisabled students;

8 “(IV) English proficiency status;

9 “(V) gender; and

10 “(VI) migrant status.

11 “(C) STUDENTS WITH DISABILITIES.—

12 “(i) ALTERNATE STANDARDS.—A
13 State may provide for alternate assess-
14 ments aligned with alternate academic
15 achievement standards for students with
16 the most significant cognitive disabilities, if
17 the State—

18 “(I) establishes and monitors im-
19 plementation of clear and appropriate
20 guidelines for individualized education
21 program teams (as defined in section
22 614(d)(1)(B) of the Individuals with
23 Disabilities Education Act) (referred
24 to in this section as ‘IEP Teams’) to
25 apply in determining when a child’s

1 significant cognitive disability justifies
2 assessment based on alternate aca-
3 demic achievement standards;

4 “(II) ensures that the parents of
5 those students are informed that their
6 child’s academic achievement will be
7 based on alternate academic achieve-
8 ment standards;

9 “(III) documents that students
10 with the most significant cognitive
11 disabilities are, to the extent prac-
12 ticable, included in the general cur-
13 riculum, and in assessments aligned
14 with that curriculum;

15 “(IV) develops, disseminates in-
16 formation on, and promotes the use of
17 appropriate accommodations to in-
18 crease the number of students with
19 disabilities who are tested against aca-
20 demic achievement standards for the
21 grade in which a student is enrolled;
22 and

23 “(V) ensures that regular and
24 special education teachers and other
25 appropriate staff know how to admin-

1 ister assessments, including making
2 appropriate use of accommodations,
3 for students with disabilities.

4 “(ii) MODIFIED STANDARDS.—A State
5 may assess students with disabilities based
6 on modified academic achievement stand-
7 ards, if the State—

8 “(I) establishes and ensures im-
9 plementation of clear and appropriate
10 guidelines for IEP Teams to apply in
11 determining which students with dis-
12 abilities are eligible to be assessed
13 based on modified academic achieve-
14 ment standards, which criteria, at a
15 minimum, shall include—

16 “(aa) whether the student’s
17 disability has precluded the stu-
18 dent from achieving grade-level
19 proficiency, as demonstrated by
20 objective evidence, such as the
21 student’s performance on the
22 State’s regular assessments or on
23 other assessments that can val-
24 idly demonstrate academic
25 achievement; and

1 “(bb) whether the student’s
2 progress in response to appro-
3 priate instruction, including spe-
4 cial education and related serv-
5 ices designed to address the stu-
6 dent’s individual needs, is such
7 that, even if significant growth
8 occurs, the IEP Team is reason-
9 ably certain that the student will
10 not achieve to grade-level within
11 the year covered by the IEP,
12 which progress shall be based on
13 multiple measurements, over a
14 period of time, that are valid for
15 the subjects being assessed;

16 “(II) ensures that, if a student’s
17 IEP includes goals for a subject as-
18 sessed based on modified academic
19 achievement standards, those goals
20 are based on academic content stand-
21 ards for the grade in which the stu-
22 dent is enrolled;

23 “(III) ensures that parents of
24 students with disabilities who are as-
25 sessed against modified academic

1 achievement standards are informed
2 that their child’s achievement will be
3 measured based on modified academic
4 achievement standards;

5 “(IV) ensures that the alternate
6 assessment yields results that measure
7 the achievement of those students sep-
8 arately in reading or language arts,
9 mathematics, and science relative to
10 the modified academic achievement
11 standards;

12 “(V) ensures that students who
13 are assessed based on modified aca-
14 demic achievement standards have ac-
15 cess to the curriculum, including in-
16 struction, for the grade in which the
17 students are enrolled; and

18 “(VI) establishes and monitors
19 implementation of clear and appro-
20 priate guidelines for IEP Teams to
21 apply in developing and implementing
22 IEPs for students who are assessed
23 based on modified academic achieve-
24 ment standards.

1 “(D) LANGUAGE ASSESSMENTS.—Each
2 State plan shall identify the languages other
3 than English that are present to a significant
4 extent in the participating student population
5 and indicate the languages for which yearly stu-
6 dent academic assessments are not available
7 and are needed, and such State shall make
8 every effort to develop such assessments as are
9 necessary.

10 “(E) ASSESSMENTS OF ENGLISH LAN-
11 GUAGE PROFICIENCY.—Each State plan shall
12 provide an assurance that local educational
13 agencies in the State will provide for an annual
14 assessment of English proficiency (measuring
15 students’ speaking, listening, reading, and writ-
16 ing skills in English) of all English language
17 learners in the schools served by the State edu-
18 cational agency, except that each local edu-
19 cational agency shall have discretion to exempt
20 any student who has been assessed as proficient
21 in listening, speaking, reading, or writing
22 English from the corresponding portion of the
23 assessment.

24 “(F) DEFERRAL.—A State may defer the
25 commencement, or suspend the administration,

1 but not cease the development, of the assess-
2 ments described in this paragraph, for 1 year
3 for each year for which the amount appro-
4 priated for grants under part B is less than
5 \$389,950,536.

6 “(G) CONSTRUCTION.—Nothing in this
7 paragraph shall be construed to prescribe the
8 use of the academic assessments described in
9 this part for student promotion or graduation
10 purposes.

11 “(3) STATE ACCOUNTABILITY SYSTEM.—

12 “(A) IN GENERAL.—Each State plan shall
13 provide an assurance that the State has devel-
14 oped and is implementing a single, statewide
15 State accountability system that will be based
16 on the academic content standards and student
17 academic achievement standards adopted by the
18 State, and other academic indicators related to
19 student achievement identified by the State, to
20 ensure that all students graduate from high
21 school college and career ready without the
22 need for academic remediation and that takes
23 into account the academic achievement of all
24 public elementary school and secondary school
25 students that, at a minimum—

1 “(i) measures annual academic
2 achievement of all public elementary school
3 and secondary school students in the State
4 towards meeting the student academic
5 achievement standards established by the
6 State in mathematics and reading or lan-
7 guage arts, which may include measures of
8 student growth to such standards;

9 “(ii) ensures that any systems to
10 measure student growth or other academic
11 indicators related to student achievement
12 are valid and reliable, and are consistent
13 with relevant, nationally recognized profes-
14 sional and technical standards;

15 “(iii) establishes a system of identi-
16 fying and differentiating among all public
17 elementary schools and secondary schools
18 in the State based on student academic
19 achievement and any other factors deter-
20 mined appropriate by the State and also
21 takes into account—

22 “(I) achievement gaps between
23 each category of students described in
24 subclauses (I) through (IV) of para-
25 graph (2)(B)(viii); and

1 “(II) overall performance of all
2 students and of each category of stu-
3 dents described in subclauses (I)
4 through (IV) of paragraph
5 (2)(B)(viii);

6 “(iv) for public elementary schools
7 and secondary schools participating under
8 this part, identifies the lowest performing
9 5 percent of such schools;

10 “(v) provides assistance to local edu-
11 cational agencies to identify and implement
12 appropriate school turnaround models for
13 identified schools;

14 “(vi) provides a clear and understand-
15 able explanation of the method of identi-
16 fying schools under clause (iv);

17 “(vii) measures the annual progress of
18 not less than 95 percent of each category
19 of students described in subclauses (I)
20 through (IV) of paragraph (2)(B)(viii) who
21 are enrolled in the school and are required
22 to take the assessments under paragraph
23 (2); and

24 “(viii) measures the high school grad-
25 uation rate for each category of students

1 described in subclauses (I) through (IV) of
2 paragraph (2)(B)(viii).

3 “(B) PROHIBITION ON REGULATION.—

4 Nothing in this subsection shall be construed to
5 permit the Secretary to establish any criterion
6 that specifies, defines, or prescribes the stand-
7 ards or measures that State or local educational
8 agencies use to establish, implement, or im-
9 prove—

10 “(i) State standards;

11 “(ii) assessments;

12 “(iii) State accountability systems;

13 “(iv) systems that measure student
14 growth;

15 “(v) measures of other academic indi-
16 cators; or

17 “(vi) teacher and principal evaluation
18 systems.

19 “(c) PROVISIONS TO SUPPORT TEACHING AND
20 LEARNING.—Each State plan shall provide an assurance
21 that—

22 “(1) the State will notify local educational
23 agencies, schools, teachers, parents, and the public
24 of the academic content standards, student academic
25 achievement standards, academic assessments, and

1 State accountability system, developed under this
2 section;

3 “(2) the State educational agency will assist
4 each local educational agency and school affected by
5 the State plan to meet the requirements of this part;
6 and

7 “(3) low-income and minority children, enrolled
8 in schools assisted under this part, are served by ef-
9 fective teachers and principals and have access to a
10 high-quality instructional program in the core aca-
11 demic subjects, and the State shall adopt measures
12 to evaluate and publicly report the progress of the
13 State educational agency with respect to such steps.

14 “(d) OTHER ASSURANCES.—Each State plan shall
15 contain an assurance that—

16 “(1) the State will participate in biennial State
17 academic assessments of 4th and 8th grade reading
18 and mathematics under the National Assessment of
19 Educational Progress carried out under section
20 303(b)(3) of the National Assessment of Edu-
21 cational Progress Authorization Act if the Secretary
22 pays the costs of administering such assessments;

23 “(2) the State educational agency will modify or
24 eliminate State fiscal and accounting barriers so
25 that schools can easily consolidate funds from other

1 Federal, State, and local sources in order to improve
2 educational opportunities and reduce unnecessary
3 fiscal and accounting requirements;

4 “(3) the State educational agency will support
5 the collection and dissemination to local educational
6 agencies and schools of effective parental involve-
7 ment practices; and

8 “(4) the State educational agency will provide
9 the least restrictive and burdensome regulations for
10 local educational agencies and individual schools par-
11 ticipating in a program assisted under this part.

12 “(e) REPORTS.—

13 “(1) ANNUAL STATE REPORT CARD.—

14 “(A) IN GENERAL.—A State that receives
15 assistance under this part shall prepare and
16 disseminate widely to the public an annual
17 State report card.

18 “(B) IMPLEMENTATION.—The State report
19 card shall be—

20 “(i) concise; and

21 “(ii) presented in an understandable
22 and uniform format.

23 “(C) REQUIRED INFORMATION.—The
24 State shall include in its annual State report
25 card—

1 “(i) information, in the aggregate, on
2 student achievement on the State academic
3 assessments described in subsection (b)(2)
4 (disaggregated by each category of stu-
5 dents described in subsection
6 (b)(2)(B)(viii));

7 “(ii) the percentage of students tested
8 (disaggregated by each category of stu-
9 dents described in subsection
10 (b)(2)(B)(viii));

11 “(iii) information on any other indi-
12 cator used by the State to determine stu-
13 dent achievement under subsection (b)(3)
14 (disaggregated by each category of stu-
15 dents described in subsection
16 (b)(2)(B)(viii));

17 “(iv) graduation rates for secondary
18 school students consistent with subsection
19 (b)(3)(A)(viii);

20 “(v) the professional qualifications of
21 teachers in the State and the percentage of
22 such teachers teaching with emergency or
23 provisional credentials, in the aggregate
24 and disaggregated by high-poverty com-
25 pared to low-poverty schools which, for the

1 purpose of this clause, means schools in
2 the top quartile of poverty and the bottom
3 quartile of poverty in the State;

4 “(vi) information on the performance
5 of local educational agencies and schools in
6 the State, including the number and names
7 of each school identified under section
8 1114(a)(1)(B); and

9 “(vii) for a State that implements a
10 teacher and principal effectiveness evalua-
11 tion system consistent with title II, the
12 evaluation results of teachers and prin-
13 cipals, except that such information shall
14 not provide individually identifiable infor-
15 mation on individual teachers or principals.

16 “(D) FINANCIAL INFORMATION.—The
17 State shall include in its annual State report
18 card the per-pupil expenditures of Federal,
19 State, and local funds for each local educational
20 agency in the State for the preceding fiscal
21 year.

22 “(E) OPTIONAL INFORMATION.—The State
23 may include in its annual State report card
24 such other information as the State believes will
25 best provide parents, students, and other mem-

1 bers of the public with information regarding
2 the progress of each of the State’s public ele-
3 mentary schools and secondary schools.

4 “(F) PRESENTATION OF DATA.—A State
5 educational agency shall only include in its an-
6 nual report card data that are sufficient to yield
7 statistically reliable information, as determined
8 by the State, and that do not reveal personally
9 identifiable information about an individual stu-
10 dent, teacher, or principal.

11 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
12 REPORT CARDS.—

13 “(A) REPORT CARDS.—A local educational
14 agency that receives assistance under this part
15 shall prepare and disseminate, in accordance
16 with subparagraph (F), an annual local edu-
17 cational agency report card.

18 “(B) MINIMUM REQUIREMENTS.—The
19 local educational agency shall include in its re-
20 port card the information described in para-
21 graph (1)(C) as applied to the local educational
22 agency and each school served by the local edu-
23 cational agency, and—

24 “(i) in the case of a local educational
25 agency—

1 “(I) the number and percentage
2 of schools identified under section
3 1114(a)(1)(B) and how long the
4 schools have been so identified; and

5 “(II) information that shows how
6 students served by the local edu-
7 cational agency achieved on the state-
8 wide academic assessment compared
9 to students in the State as a whole;
10 and

11 “(ii) in the case of a school—

12 “(I) whether the school has been
13 identified under section 1114(a)(1)(B)
14 and how long the school has been so
15 identified; and

16 “(II) information that shows how
17 the school’s students’ achievement on
18 the statewide academic assessments
19 compared to students in the local edu-
20 cational agency and the State as a
21 whole.

22 “(C) FINANCIAL INFORMATION.—The local
23 educational agency shall include in its annual
24 local educational agency report card the per-
25 pupil expenditures of Federal, State, and local

1 funds for each school served by the agency for
2 the preceding fiscal year.

3 “(D) OTHER INFORMATION.—A local edu-
4 cational agency may include in its annual local
5 educational agency report card any other appro-
6 priate information, whether or not such infor-
7 mation is included in the annual State report
8 card.

9 “(E) PRESENTATION OF DATA.—A local
10 educational agency or school shall only include
11 in its annual local educational agency report
12 card data that are sufficient to yield statis-
13 tically reliable information, as determined by
14 the State, and that do not reveal personally
15 identifiable information about an individual stu-
16 dent.

17 “(F) PUBLIC DISSEMINATION.—

18 “(i) IN GENERAL.—Except as pro-
19 vided in clause (ii), a local educational
20 agency shall—

21 “(I) publicly disseminate the in-
22 formation described in this paragraph
23 to all schools in the school district
24 served by the local educational agency
25 and to all parents of students attend-

1 ing such schools in an understandable
2 and uniform format; and

3 “(II) make the information wide-
4 ly available through public means,
5 such as posting on the Internet, dis-
6 tribution to the media, and distribu-
7 tion through public agencies.

8 “(ii) EXCEPTION.—If a local edu-
9 cational agency issues a report card for all
10 students, the local educational agency may
11 include the information described in this
12 paragraph as part of such report.

13 “(3) PREEXISTING REPORT CARDS.—A State
14 educational agency or local educational agency that
15 was providing public report cards on the perform-
16 ance of students, schools, local educational agencies,
17 or the State prior to the date of enactment of the
18 may use such report cards for the purpose of dis-
19 seminating information under this subsection if the
20 report card is modified, as may be needed, to con-
21 tain the information required by this subsection.

22 “(4) ANNUAL STATE REPORT TO THE SEC-
23 RETARY.—Each State educational agency receiving
24 assistance under this part shall report annually to

1 the Secretary, and make widely available within the
2 State—

3 “(A) information on the achievement of
4 students on the academic assessments required
5 under subsection (b)(2), including the
6 disaggregated results for each category of stu-
7 dents described in subsection (b)(2)(B)(viii);

8 “(B) information on the acquisition of
9 English proficiency by children who are English
10 language learners;

11 “(C) the number and names of the schools
12 identified under section 1114(a)(1)(B), and the
13 school turnaround strategy identified under sec-
14 tion 1114(c) taken to address the achievement
15 problems of each such school;

16 “(D) the number of students and schools
17 that participated in public school choice under
18 this title;

19 “(E)(i) information on the quality and ef-
20 fectiveness of teachers; and

21 “(ii) the percentage of classes being taught
22 by teachers who are licensed or certified to
23 teach in their field of study, for the State and
24 for each local educational agency and public ele-
25 mentary or secondary school in the State; and

1 “(F) information on the results of the
2 teacher and principal evaluation system, as ap-
3 plicable.

4 “(5) REPORT TO CONGRESS.—The Secretary
5 shall transmit annually to the Committee on Health,
6 Education, Labor, and Pensions of the Senate and
7 the Committee on Education and the Workforce of
8 the House of Representatives a report that provides
9 national and State level data on the information col-
10 lected under paragraph (4). Such report shall be
11 submitted through electronic means only.

12 “(6) SECRETARY’S REPORT CARD.—

13 “(A) IN GENERAL.—Not later than July 1,
14 2013, and annually thereafter, the Secretary
15 shall transmit to the Committee on Health,
16 Education, Labor, and Pensions of the Senate
17 and the Committee on Education and the
18 Workforce of the House of Representatives a
19 national report card on the status of elementary
20 and secondary education in the United States.
21 Such report shall—

22 “(i) analyze existing data from State
23 reports required under this Act, the Indi-
24 viduals with Disabilities Education Act,
25 and the Carl D. Perkins Career and Tech-

1 nical Education Act of 2006, and summa-
2 rize major findings from such reports;

3 “(ii) analyze data from the National
4 Assessment of Educational Progress and
5 comparable international assessments;

6 “(iii) identify trends in student
7 achievement, student performance, and
8 secondary school graduation rates, by ana-
9 lyzing and reporting on the status and per-
10 formance of students, disaggregated by
11 each category of students described in sub-
12 section (b)(2)(B)(viii);

13 “(iv) analyze data on Federal, State,
14 and local expenditures on education, in-
15 cluding per-pupil spending, teacher salaries
16 and pension obligations, school level spend-
17 ing, and other financial data publicly avail-
18 able, and report on current trends and
19 major findings; and

20 “(v) analyze information on the teach-
21 ing and principal profession, including edu-
22 cation and training, retention and mobility,
23 and effectiveness in improving student
24 achievement.

1 “(B) SPECIAL RULE.—The information
2 used to prepare the report described in sub-
3 paragraph (A) shall be derived from existing
4 State and local reporting requirements and data
5 sources. Nothing in this paragraph shall be con-
6 strued as authorizing, requiring, or allowing
7 any additional reporting requirements, data ele-
8 ments, or information to be reported to the Sec-
9 retary not otherwise explicitly authorized by any
10 other Federal law.

11 “(f) VOLUNTARY PARTNERSHIPS.—A State may
12 enter into a voluntary partnership with another State to
13 develop and implement the academic assessments, State
14 academic content standards, and accountability systems
15 required under this section.

16 “(g) SPECIAL RULE WITH RESPECT TO BUREAU-
17 FUNDED SCHOOLS.—In determining the assessments to
18 be used by each school operated or funded by the Bureau
19 of Indian Education of the Department of the Interior
20 that receives funds under this part, the following shall
21 apply:

22 “(1) Each such school that is accredited by the
23 State in which it is operating shall use the assess-
24 ments the State has developed and implemented to
25 meet the requirements of this section, or such other

1 appropriate assessment as approved by the Secretary
2 of the Interior.

3 “(2) Each such school that is accredited by a
4 regional accrediting organization shall adopt an ap-
5 propriate assessment in consultation with, and with
6 the approval of, the Secretary of the Interior and
7 consistent with assessments adopted by other schools
8 in the same State or region, that meets the require-
9 ments of this section.

10 “(3) Each such school that is accredited by a
11 tribal accrediting agency or tribal division of edu-
12 cation shall use an assessment developed by such
13 agency or division, except that the Secretary of the
14 Interior shall ensure that such assessment meets the
15 requirements of this section.

16 **“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

17 “(a) PLANS REQUIRED.—

18 “(1) SUBGRANTS.—A local educational agency
19 may receive a subgrant under this part for any fiscal
20 year only if such agency has on file with the State
21 educational agency a plan, approved by the State
22 educational agency, that is developed in consultation
23 with teachers, principals, administrators (including
24 administrators of programs described in other parts
25 of this title), other appropriate school personnel, and

1 with parents of children in schools served under this
2 part, that satisfies the requirements of this section.

3 “(2) CONSOLIDATED APPLICATION.—The plan
4 may be submitted as part of a consolidated applica-
5 tion under section 9305.

6 “(3) STATE REVIEW AND APPROVAL.—

7 “(A) IN GENERAL.—Each local educational
8 agency plan shall be filed according to a sched-
9 ule established by the State educational agency.

10 “(B) APPROVAL.—The State educational
11 agency shall approve a local educational agen-
12 cy’s plan only if the State educational agency
13 determines that the local educational agency’s
14 plan satisfies the requirements of this part and
15 enables children served under this part to meet
16 the college and career ready standards expected
17 of all children described in section 1111(b)(1).

18 “(4) DURATION.—Each local educational agen-
19 cy plan shall be submitted for the first year for
20 which this part is in effect following the date of en-
21 actment of the and shall remain in effect for the du-
22 ration of the agency’s participation under this part.

23 “(5) REVIEW.—Each local educational agency
24 shall periodically review and, as necessary, revise its

1 plan to reflect changes in the local educational agen-
2 cy's strategies and programs under this part.

3 “(b) PLAN PROVISIONS.—To ensure that all children
4 receive a high-quality education that prepares them to be
5 college and career ready without the need for academic
6 remediation, and to close the achievement gap between
7 high- and low-performing children, especially the achieve-
8 ment gaps between minority and nonminority students,
9 and between disadvantaged children and their more ad-
10 vantaged peers, each local educational agency plan shall
11 describe—

12 “(1) how the local educational agency will work
13 with each of the schools served by the agency so that
14 students meet the State's college and career ready
15 academic standards by—

16 “(A) developing and implementing a com-
17 prehensive program of instruction to meet the
18 academic needs of all students;

19 “(B) identifying quickly and effectively
20 students who may be at risk for academic fail-
21 ure;

22 “(C) providing additional educational as-
23 sistance to individual students determined as
24 needing help in meeting the State's student
25 academic achievement standards;

1 “(D) identifying significant gaps in stu-
2 dent academic achievement between each cat-
3 egory of students described in subclauses (I)
4 through (IV) of section 1111(b)(2)(B)(viii) and
5 develop strategies to reduce such gaps in
6 achievement; and

7 “(E) identifying and implementing effec-
8 tive methods and instructional strategies that
9 are based on scientifically valid research in-
10 tended to strengthen the core academic pro-
11 gram of the school;

12 “(2) how the local educational agency will mon-
13 itor and evaluate the effectiveness of school pro-
14 grams in improving student academic achievement,
15 especially for students not meeting State student
16 academic achievement standards;

17 “(3)(A) how the local educational agency will
18 meet the requirements of section 1119 regarding the
19 qualifications of teachers and paraprofessionals; and

20 “(B) how the local educational agency, through
21 incentives for voluntary transfers, recruitment pro-
22 grams, incentive pay, performance- or merit-based
23 pay systems, or other effective strategies, will iden-
24 tify and address any disparities that result in low-
25 income students and minority students being taught

1 at higher rates than other students by ineffective,
2 out-of-field, or inexperienced teachers;

3 “(4) the actions the local educational agency
4 will take to assist schools identified under section
5 1114(a)(1)(B) and other schools also identified by
6 the local educational agency as in need of assistance
7 to improve student academic achievement, and the
8 funds used to conduct such actions;

9 “(5) the programs to be conducted by such
10 agency’s schools under section 1113, and where ap-
11 propriate, educational services outside such schools
12 for children living in local institutions for neglected
13 or delinquent children, and for neglected and delin-
14 quent children in community day school programs;

15 “(6) the services the local educational agency
16 will provide homeless children, including services
17 provided with funds reserved under section
18 1113(a)(3)(C)(i);

19 “(7) the strategy the local educational agency
20 will use to implement effective parental involvement
21 under section 1118;

22 “(8) how the local educational agency will co-
23 ordinate and integrate services provided under this
24 part with preschool educational services at the local
25 educational agency or individual school level, includ-

1 ing plans for the transition of participants in such
2 programs to local elementary school programs, and,
3 if appropriate, a description of how the local edu-
4 cational agency will use funds under this part to
5 support preschool programs for children, particularly
6 children participating in a Head Start program,
7 which may be provided directly by the local edu-
8 cational agency or through a subcontract with the
9 local Head Start agency designated by the Secretary
10 of Health and Human Services under section 641 of
11 the Head Start Act, or another comparable public
12 early childhood development program;

13 “(9) how the local educational agency will co-
14 ordinate programs and integrate services under this
15 part with other Federal, State, and local services
16 and programs; and

17 “(10) how teachers, in consultation with par-
18 ents, administrators, and pupil services personnel, in
19 targeted assistance schools under section 1113, will
20 identify the eligible children most in need of services
21 under this part.

22 “(c) ASSURANCES.—Each local educational agency
23 plan shall provide assurances that the local educational
24 agency will—

1 “(1) ensure that the results from the academic
2 assessments required under section 1111(b)(2) will
3 be provided to parents and teachers as soon as is
4 practicably possible after the test is taken;

5 “(2) ensure that migratory children and for-
6 merly migratory children who are eligible to receive
7 services under this part are selected to receive such
8 services on the same basis as other children who are
9 selected to receive services under this part;

10 “(3) provide services to eligible children attend-
11 ing private elementary schools and secondary schools
12 in accordance with section 1120, and timely and
13 meaningful consultation with private school officials
14 regarding such services; and

15 “(4) participate, if selected, in the National As-
16 sessment of Educational Progress in 4th and 8th
17 grade reading and mathematics carried out under
18 section 303(b)(2) of the National Assessment of
19 Educational Progress Authorization Act.

20 “(d) SCHOOLWIDE PROGRAM PLANS.—In addition to
21 the plan requirements described in subsection (c), for
22 schools operating a schoolwide program under section
23 1113(b)(2), the plan shall also include—

24 “(1) a description of schoolwide reform strate-
25 gies that—

1 “(A) provide opportunities for all children
2 to meet the State’s academic achievement
3 standards under section 1111(b);

4 “(B) use effective methods and instruc-
5 tional strategies that are based on scientifically
6 valid research that—

7 “(i) strengthen the core academic pro-
8 gram in the school; and

9 “(ii) increase the amount and quality
10 of learning time and help provide an en-
11 riched and accelerated curriculum; and

12 “(C) address the academic and other sup-
13 port needs of all children in the school;

14 “(2) a list of State educational agency and local
15 educational agency programs and other Federal pro-
16 grams that will be consolidated in the schoolwide
17 program; and

18 “(3) if appropriate, a description of how funds
19 will be used to establish or enhance prekindergarten
20 programs for children below the age of 6.

21 “(e) TARGETED ASSISTANCE SCHOOL PLANS.—In
22 addition to the plan requirements described in subsection
23 (c), for schools operating a targeted assistance program
24 under section 1113(b)(3), the plan shall also include—

25 “(1) a description of—

1 “(A) the process for determining which
2 students will be served and the students to be
3 served;

4 “(B) the assistance that will be provided to
5 such students; and

6 “(C) how the activities supported under
7 this part will be coordinated with and incor-
8 porated into the regular education program of
9 the school;

10 “(2) assurances that the school will—

11 “(A) help provide an accelerated, high-
12 quality curriculum;

13 “(B) minimize removing children from the
14 regular classroom during regular school hours
15 for instruction provided under this part; and

16 “(C) on an ongoing basis, review the
17 progress of participating children and revise the
18 plan under this section, if necessary, to provide
19 additional assistance to enable such children to
20 meet the State’s college and career ready aca-
21 demic achievement standards.

22 “(f) PARENTS RIGHT-TO-KNOW.—

23 “(1) TEACHER QUALIFICATIONS.—

24 “(A) IN GENERAL.—At the beginning of
25 each school year, a local educational agency

1 that receives funds under this part shall notify
2 the parents of each student attending any
3 school receiving funds under this part that the
4 parents may request, and the agency will pro-
5 vide the parents on request (and in a timely
6 manner), information regarding the professional
7 qualifications of the student’s classroom teach-
8 ers, including, at a minimum, the following:

9 “(i) Whether the teacher has met
10 State qualification and licensing criteria
11 for the grade levels and subject areas in
12 which the teacher provides instruction.

13 “(ii) Whether the teacher is teaching
14 under emergency or other provisional sta-
15 tus through which State qualification or li-
16 censing criteria have been waived.

17 “(iii) Whether the child is provided
18 services by paraprofessionals and, if so,
19 whether each such paraprofessional meets
20 the qualifications required under section
21 1119.

22 “(B) ADDITIONAL INFORMATION.—In ad-
23 dition to the information that parents may re-
24 quest under subparagraph (A), a school that re-

1 ceives funds under this part shall provide to
2 each individual parent—

3 “(i) information on the level of
4 achievement of the parent’s child in each
5 of the State academic assessments as re-
6 quired under this part; and

7 “(ii) timely notice that the parent’s
8 child has been assigned, or has been
9 taught for 4 or more consecutive weeks by,
10 a teacher who does not meet applicable
11 State certification or licensure require-
12 ments.

13 “(2) LANGUAGE INSTRUCTION.—

14 “(A) NOTICE.—Each local educational
15 agency using funds under this part to provide
16 a language instruction educational program as
17 determined under title III shall, not later than
18 30 days after the beginning of the school year,
19 inform a parent or parents of an English lan-
20 guage learner identified for participation or
21 participating in such a program of—

22 “(i) the reasons for the identification
23 of their child as an English language
24 learner and in need of placement in a lan-
25 guage instruction educational program;

1 “(ii) the child’s level of English pro-
2 ficiency, how such level was assessed, and
3 the status of the child’s academic achieve-
4 ment;

5 “(iii) the methods of instruction used
6 in the program in which their child is, or
7 will be participating, and the methods of
8 instruction used in other available pro-
9 grams, including how such programs differ
10 in content, instructional goals, and the use
11 of English and a native language in in-
12 struction;

13 “(iv) how the program in which their
14 child is, or will be participating, will meet
15 the educational strengths and needs of
16 their child;

17 “(v) how such program will specifi-
18 cally help their child learn English and
19 meet age-appropriate academic achieve-
20 ment standards for grade promotion and
21 graduation;

22 “(vi) the specific exit requirements for
23 the program, including the expected rate of
24 transition from such program into class-
25 rooms that are not tailored for English

1 language learners, and the expected rate of
2 graduation from secondary school for such
3 program if funds under this part are used
4 for children in secondary schools;

5 “(vii) in the case of a child with a dis-
6 ability, how such program meets the objec-
7 tives of the individualized education pro-
8 gram of the child, as described in section
9 614(a)(1)(D) of the Individuals with Dis-
10 abilities Education Act; and

11 “(viii) information pertaining to pa-
12 rental rights that includes written guid-
13 ance—

14 “(I) detailing—

15 “(aa) the right that parents
16 have to have their child imme-
17 diately removed from such pro-
18 gram upon their request; and

19 “(bb) the options that par-
20 ents have to decline to enroll
21 their child in such program or to
22 choose another program or meth-
23 od of instruction, if available; and

24 “(II) assisting parents in select-
25 ing among various programs and

1 methods of instruction, if more than 1
2 program or method is offered by the
3 eligible entity.

4 “(B) SPECIAL RULE APPLICABLE DURING
5 THE SCHOOL YEAR.—For those children who
6 have not been identified as English language
7 learners prior to the beginning of the school
8 year but are identified as English language
9 learners during such school year, the local edu-
10 cational agency shall notify the children’s par-
11 ents during the first 2 weeks of the child being
12 placed in a language instruction educational
13 program consistent with subparagraph (A).

14 “(C) PARENTAL PARTICIPATION.—Each
15 local educational agency receiving funds under
16 this part shall implement an effective means of
17 outreach to parents of English language learn-
18 ers to inform the parents regarding how the
19 parents can be involved in the education of
20 their children, and be active participants in as-
21 sisting their children to attain English pro-
22 ficiency, achieve at high levels in core academic
23 subjects, and meet challenging State academic
24 achievement standards and State academic con-
25 tent standards expected of all students, includ-

1 ing holding, and sending notice of opportunities
 2 for, regular meetings for the purpose of formu-
 3 lating and responding to recommendations from
 4 parents of students assisted under this part.

5 “(D) BASIS FOR ADMISSION OR EXCLU-
 6 SION.—A student shall not be admitted to, or
 7 excluded from, any federally assisted education
 8 program on the basis of a surname or language-
 9 minority status.

10 “(3) FORMAT.—The notice and information
 11 provided to parents under this subsection shall be in
 12 an understandable and uniform format and, to the
 13 extent practicable, provided in a language that the
 14 parents can understand.

15 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS;**
 16 **SCHOOLWIDE PROGRAMS; TARGETED ASSIST-**
 17 **ANCE PROGRAMS.**

18 “(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

19 “(1) DETERMINATION.—

20 “(A) IN GENERAL.—A local educational
 21 agency shall use funds received under this part
 22 only in eligible school attendance areas.

23 “(B) ELIGIBLE SCHOOL ATTENDANCE
 24 AREAS.—In this part—

1 “(i) the term ‘school attendance area’
2 means, in relation to a particular school,
3 the geographical area in which the children
4 who are normally served by that school re-
5 side; and

6 “(ii) the term ‘eligible school attend-
7 ance area’ means a school attendance area
8 in which the percentage of children from
9 low-income families is at least as high as
10 the percentage of children from low-income
11 families served by the local educational
12 agency as a whole.

13 “(C) RANKING ORDER.—If funds allocated
14 in accordance with paragraph (3) are insuffi-
15 cient to serve all eligible school attendance
16 areas, a local educational agency shall—

17 “(i) annually rank, without regard to
18 grade spans, such agency’s eligible school
19 attendance areas in which the concentra-
20 tion of children from low-income families
21 exceeds 75 percent from highest to lowest
22 according to the percentage of children
23 from low-income families; and

24 “(ii) serve such eligible school attend-
25 ance areas in rank order.

1 “(D) REMAINING FUNDS.—If funds remain
2 after serving all eligible school attendance areas
3 under subparagraph (C), a local educational
4 agency shall—

5 “(i) annually rank such agency’s re-
6 maining eligible school attendance areas
7 from highest to lowest either by grade
8 span or for the entire local educational
9 agency according to the percentage of chil-
10 dren from low-income families; and

11 “(ii) serve such eligible school attend-
12 ance areas in rank order either within each
13 grade-span grouping or within the local
14 educational agency as a whole.

15 “(E) MEASURES.—The local educational
16 agency shall use the same measure of poverty,
17 which measure shall be the number of children
18 ages 5 through 17 in poverty counted in the
19 most recent census data approved by the Sec-
20 retary, the number of children eligible for free
21 and reduced priced lunches under the Richard
22 B. Russell National School Lunch Act, the
23 number of children in families receiving assist-
24 ance under the State program funded under
25 part A of title IV of the Social Security Act, or

1 the number of children eligible to receive med-
2 ical assistance under the Medicaid program, or
3 a composite of such indicators, with respect to
4 all school attendance areas in the local edu-
5 cational agency—

6 “(i) to identify eligible school attend-
7 ance areas;

8 “(ii) to determine the ranking of each
9 area; and

10 “(iii) to determine allocations under
11 paragraph (3).

12 “(F) EXCEPTION.—This subsection shall
13 not apply to a local educational agency with a
14 total enrollment of less than 1,000 children.

15 “(G) WAIVER FOR DESEGREGATION
16 PLANS.—The Secretary may approve a local
17 educational agency’s written request for a waiv-
18 er of the requirements of this paragraph and
19 paragraph (3) and permit such agency to treat
20 as eligible, and serve, any school that children
21 attend with a State-ordered, court-ordered
22 school desegregation plan or a plan that con-
23 tinues to be implemented in accordance with a
24 State-ordered or court-ordered desegregation
25 plan, if—

1 “(i) the number of economically dis-
2 advantaged children enrolled in the school
3 is at least 25 percent of the school’s total
4 enrollment; and

5 “(ii) the Secretary determines on the
6 basis of a written request from such agen-
7 cy and in accordance with such criteria as
8 the Secretary establishes, that approval of
9 that request would further the purposes of
10 this part.

11 “(2) LOCAL EDUCATIONAL AGENCY DISCRE-
12 TION.—

13 “(A) IN GENERAL.—Notwithstanding para-
14 graph (1)(B), a local educational agency may—

15 “(i) designate as eligible any school
16 attendance area or school in which at least
17 35 percent of the children are from low-in-
18 come families;

19 “(ii) use funds received under this
20 part in a school that is not in an eligible
21 school attendance area, if the percentage
22 of children from low-income families en-
23 rolled in the school is equal to or greater
24 than the percentage of such children in a

1 participating school attendance area of
2 such agency;

3 “(iii) designate and serve a school at-
4 tendance area or school that is not eligible
5 under this section, but that was eligible
6 and that was served in the preceding fiscal
7 year, but only for 1 additional fiscal year;
8 and

9 “(iv) elect not to serve an eligible
10 school attendance area or eligible school
11 that has a higher percentage of children
12 from low-income families if—

13 “(I) the school meets the com-
14 parability requirements of section
15 1120A(c);

16 “(II) the school is receiving sup-
17 plemental funds from other State or
18 local sources that are spent according
19 to the requirements of this section;
20 and

21 “(III) the funds expended from
22 such other sources equal or exceed the
23 amount that would be provided under
24 this part.

1 “(B) SPECIAL RULE.—Notwithstanding
2 subparagraph (A)(iv), the number of children
3 attending private elementary schools and sec-
4 ondary schools who are to receive services, and
5 the assistance such children are to receive
6 under this part, shall be determined without re-
7 gard to whether the public school attendance
8 area in which such children reside is assisted
9 under subparagraph (A).

10 “(3) ALLOCATIONS.—

11 “(A) IN GENERAL.—A local educational
12 agency shall allocate funds received under this
13 part to eligible school attendance areas or eligi-
14 ble schools, identified under paragraphs (1) and
15 (2) in rank order, on the basis of the total
16 number of children from low-income families in
17 each area or school.

18 “(B) SPECIAL RULE.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), the per-pupil amount
21 of funds allocated to each school attend-
22 ance area or school under subparagraph
23 (A) shall be at least 125 percent of the
24 per-pupil amount of funds a local edu-
25 cational agency received for that year

1 under the poverty criteria described by the
2 local educational agency in the plan sub-
3 mitted under section 1112, except that this
4 clause shall not apply to a local edu-
5 cational agency that only serves schools in
6 which the percentage of such children is 35
7 percent or greater.

8 “(ii) EXCEPTION.—A local edu-
9 cational agency may reduce the amount of
10 funds allocated under clause (i) for a
11 school attendance area or school by the
12 amount of any supplemental State and
13 local funds expended in that school attend-
14 ance area or school for programs that meet
15 the requirements of this section.

16 “(C) RESERVATION.—A local educational
17 agency shall reserve such funds as are nec-
18 essary under this part to provide services com-
19 parable to those provided to children in schools
20 funded under this part to serve—

21 “(i) homeless children who do not at-
22 tend participating schools, including pro-
23 viding educationally related support serv-
24 ices to children in shelters and other loca-
25 tions where children may live;

1 “(ii) children in local institutions for
2 neglected children; and

3 “(iii) if appropriate, children in local
4 institutions for delinquent children, and
5 neglected or delinquent children in commu-
6 nity day school programs.

7 “(b) SCHOOLWIDE PROGRAMS AND TARGETED AS-
8 SISTANCE SCHOOLS.—

9 “(1) IN GENERAL.—For each school that will
10 receive funds under this part, the local educational
11 agency shall determine whether the school operates
12 as a schoolwide program consistent with paragraph
13 (2) or a targeted assistance school consistent with
14 paragraph (3).

15 “(2) SCHOOLWIDE PROGRAMS.—

16 “(A) IN GENERAL.—A local educational
17 agency may consolidate and use funds under
18 this part, together with other Federal, State,
19 and local funds, in order to upgrade the entire
20 educational program of a school that serves an
21 eligible school attendance area in which not less
22 than 40 percent of the children are from low-
23 income families, or not less than 40 percent of
24 the children enrolled in the school are from
25 such families.

1 “(B) IDENTIFICATION OF STUDENTS NOT
2 REQUIRED.—

3 “(i) IN GENERAL.—No school partici-
4 pating in a schoolwide program shall be re-
5 quired—

6 “(I) to identify particular chil-
7 dren under this part as eligible to par-
8 ticipate in a schoolwide program; or

9 “(II) to provide services to such
10 children that are supplementary, as
11 otherwise required by section
12 1120A(b).

13 “(ii) SUPPLEMENTAL FUNDS.—A
14 school participating in a schoolwide pro-
15 gram shall use funds available to carry out
16 this paragraph only to supplement the
17 amount of funds that would, in the absence
18 of funds under this part, be made available
19 from non-Federal sources for the school,
20 including funds needed to provide services
21 that are required by law for children with
22 disabilities and children who are English
23 language learners.

24 “(C) EXEMPTION FROM STATUTORY AND
25 REGULATORY REQUIREMENTS.—

1 “(i) EXEMPTION.—The Secretary
2 may, through publication of a notice in the
3 Federal Register, exempt schoolwide pro-
4 grams under this section from statutory or
5 regulatory provisions of any other non-
6 competitive formula grant program admin-
7 istered by the Secretary (other than for-
8 mula or discretionary grant programs
9 under the Individuals with Disabilities
10 Education Act, except as provided in sec-
11 tion 613(a)(2)(D) of such Act), or any dis-
12 cretionary grant program administered by
13 the Secretary, to support schoolwide pro-
14 grams if the intent and purposes of such
15 other programs are met.

16 “(ii) REQUIREMENTS.—A school that
17 chooses to use funds from such other pro-
18 grams shall not be relieved of the require-
19 ments relating to health, safety, civil
20 rights, student and parental participation
21 and involvement, services to private school
22 children, maintenance of effort, com-
23 parability of services, uses of Federal
24 funds to supplement, not supplant non-
25 Federal funds, or the distribution of funds

1 to State educational agencies or local edu-
2 cational agencies that apply to the receipt
3 of funds from such programs.

4 “(iii) RECORDS.—A school that con-
5 solidates and uses funds from different
6 Federal programs under this paragraph
7 shall not be required to maintain separate
8 fiscal accounting records, by program, that
9 identify the specific activities supported by
10 those particular funds as long as the
11 school maintains records that demonstrate
12 that the schoolwide program, considered as
13 a whole, addresses the intent and purposes
14 of each of the Federal programs that were
15 consolidated to support the schoolwide pro-
16 gram.

17 “(D) PREKINDERGARTEN PROGRAM.—A
18 school that is eligible for a schoolwide program
19 under this paragraph may use funds made
20 available under this part to establish or enhance
21 prekindergarten programs for children below
22 the age of 6.

23 “(3) TARGETED ASSISTANCE SCHOOLS.—

24 “(A) IN GENERAL.—In all schools selected
25 to receive funds under subsection (a)(3) that

1 are ineligible for a schoolwide program under
2 paragraph (2), or that choose not to operate
3 such a schoolwide program, a local educational
4 agency serving such school may use funds re-
5 ceived under this part only for programs that
6 provide services to eligible children under sub-
7 paragraph (B) identified as having the greatest
8 need for special assistance.

9 “(B) ELIGIBLE CHILDREN.—

10 “(i) ELIGIBLE POPULATION.—

11 “(I) IN GENERAL.—The eligible
12 population for services under this sec-
13 tion is—

14 “(aa) children not older
15 than age 21 who are entitled to
16 a free public education through
17 grade 12; and

18 “(bb) children who are not
19 yet at a grade level at which the
20 local educational agency provides
21 a free public education.

22 “(II) ELIGIBLE CHILDREN FROM
23 ELIGIBLE POPULATION.—From the
24 population described in subclause (I),
25 eligible children are children identified

1 by the school as failing, or most at
2 risk of failing, to meet the State's stu-
3 dent academic achievement standards
4 on the basis of multiple, educationally
5 related, objective criteria established
6 by the local educational agency and
7 supplemented by the school.

8 “(ii) CHILDREN INCLUDED.—

9 “(I) IN GENERAL.—Children who
10 are economically disadvantaged, chil-
11 dren with disabilities, migrant chil-
12 dren, or children who are English lan-
13 guage learners, are eligible for serv-
14 ices under this part on the same basis
15 as other children selected to receive
16 services under this part.

17 “(II) HEAD START AND PRE-
18 SCHOOL CHILDREN.—A child who, at
19 any time in the 2 years preceding the
20 year for which the determination is
21 made, participated in a Head Start
22 program, or in preschool services
23 under this title, is eligible for services
24 under this part.

1 “(III) MIGRANT CHILDREN.—A
2 child who, at any time in the 2 years
3 preceding the year for which the de-
4 termination is made, received services
5 under part C is eligible for services
6 under this part.

7 “(IV) NEGLECTED OR DELIN-
8 QUENT CHILDREN.—A child in a local
9 institution for neglected or delinquent
10 children and youth or attending a
11 community day program for such chil-
12 dren is eligible for services under this
13 part.

14 “(V) HOMELESS CHILDREN.—A
15 child who is homeless and attending
16 any school served by the local edu-
17 cational agency is eligible for services
18 under this part.

19 “(iii) SPECIAL RULE.—Funds received
20 under this part may not be used to provide
21 services that are otherwise required by law
22 to be made available to children described
23 in clause (ii) but may be used to coordi-
24 nate or supplement such services.

1 “(C) INTEGRATION OF PROFESSIONAL DE-
2 VELOPMENT.—To promote the integration of
3 staff supported with funds under this part into
4 the regular school program and overall school
5 planning and improvement efforts, public school
6 personnel who are paid with funds received
7 under this part may—

8 “(i) participate in general professional
9 development and school planning activities;
10 and

11 “(ii) assume limited duties that are
12 assigned to similar personnel who are not
13 so paid, including duties beyond classroom
14 instruction or that do not benefit partici-
15 pating children, so long as the amount of
16 time spent on such duties is the same pro-
17 portion of total work time as prevails with
18 respect to similar personnel at the same
19 school.

20 “(D) SPECIAL RULES.—

21 “(i) SIMULTANEOUS SERVICE.—Noth-
22 ing in this paragraph shall be construed to
23 prohibit a school from serving students
24 under this paragraph simultaneously with
25 students with similar educational needs, in

1 the same educational settings where appro-
2 priate.

3 “(ii) COMPREHENSIVE SERVICES.—If
4 health, nutrition, and other social services
5 are not otherwise available to eligible chil-
6 dren in a targeted assistance school and
7 such school, if appropriate, has engaged in
8 a comprehensive needs assessment and es-
9 tablished a collaborative partnership with
10 local service providers and funds are not
11 reasonably available from other public or
12 private sources to provide such services,
13 then a portion of the funds provided under
14 this part may be used as a last resort to
15 provide such services, including—

16 “(I) the provision of basic med-
17 ical equipment, such as eyeglasses and
18 hearing aids;

19 “(II) compensation of a coordi-
20 nator; and

21 “(III) professional development
22 necessary to assist teachers, pupil
23 services personnel, other staff, and
24 parents in identifying and meeting the

1 comprehensive needs of eligible chil-
2 dren.

3 **“SEC. 1114. SCHOOL IDENTIFICATION AND TURNAROUND.**

4 “(a) STATE REVIEW AND RESPONSIBILITIES.—

5 “(1) IN GENERAL.—Not later than July 1,
6 2012, each State educational agency receiving funds
7 under this part shall—

8 “(A) review the performance of each public
9 school in the State to measure the progress of
10 each public school served under this part, by
11 using—

12 “(i) the State academic assessments
13 described in section 1111(b)(2);

14 “(ii) secondary school graduation
15 rates, as appropriate; and

16 “(iii) other indicators determined by
17 the State;

18 “(B) based on the review under subpara-
19 graph (A), use a State-established system to
20 identify the lowest performing 5 percent of pub-
21 lic elementary schools and secondary schools
22 that receive funds under this part; and

23 “(C) inform local educational agencies of
24 schools identified under subparagraph (B) in a

1 timely manner that is before the beginning of
2 the school year.

3 “(2) OPPORTUNITY FOR REVIEW.—

4 “(A) IDENTIFICATION.—Before identifying
5 a school under paragraph (1)(B), the State
6 educational agency shall provide the local edu-
7 cational agency and proposed identified school
8 with an opportunity to review all school-level
9 data on which the proposed identification is
10 based.

11 “(B) EVIDENCE.—If the local educational
12 agency or the principal of a school proposed for
13 identification under paragraph (1)(B) believes
14 that the proposed identification is in error for
15 statistical or other substantive reasons, the
16 local educational agency or principal may pro-
17 vide supporting evidence to the State edu-
18 cational agency, which shall consider that evi-
19 dence before making a final determination.

20 “(C) FINAL DETERMINATION.—Not later
21 than 30 days after the State educational agency
22 provides the local educational agency and school
23 with the opportunity to review such school-level
24 data under subparagraph (A), the State edu-
25 cational agency shall make a final determina-

1 tion on the status of the school with respect to
2 the identification.

3 “(3) DETERMINATIONS.—

4 “(A) IN GENERAL.—A school’s identifica-
5 tion under paragraph (1)(B) shall be for a pe-
6 riod of not more than 5 school years, as deter-
7 mined by the State.

8 “(B) ADDITIONAL DETERMINATIONS.—At
9 the sole discretion of the State educational
10 agency, the agency may include additional
11 schools as schools identified under paragraph
12 (1)(B), based on an annual review of the per-
13 formance of each public school in the State,
14 using the same criteria established to identify
15 schools under paragraph (1)(A).

16 “(C) REMOVAL OF DETERMINATION.—Not-
17 withstanding subparagraph (A), a State edu-
18 cational agency may end the identification of a
19 school under paragraph (1)(B) if the State de-
20 termines, based on an annual review of the per-
21 formance of each public school in the State
22 using the same criteria established to identify
23 schools under paragraph (1)(A), that such iden-
24 tification is no longer necessary due to im-

1 proved student academic achievement at the
2 school.

3 “(4) STATE EDUCATIONAL AGENCY RESPON-
4 SIBILITIES.—The State educational agency shall—

5 “(A) make technical assistance available to
6 local educational agencies that serve schools
7 identified under paragraph (1)(B); and

8 “(B) if the State educational agency deter-
9 mines that a local educational agency failed to
10 carry out its responsibilities under this section,
11 take such actions as the State educational agen-
12 cy determines to be appropriate and in compli-
13 ance with State law.

14 “(b) LOCAL EDUCATIONAL AGENCY REVIEW AND
15 PLAN.—

16 “(1) REVIEW.—After the resolution of the re-
17 view under subsection (a)(2), each local educational
18 agency with a school identified under subsection
19 (a)(1)(B), not later than 3 months after being so
20 identified, shall—

21 “(A) conduct a review of such school and
22 student achievement data, including data from
23 the State assessments described in section
24 1111(b)(2), to determine the factors that led to
25 such identification; and

1 “(B) conduct a review of the policies, pro-
2 cedures, personnel decisions, and budgetary de-
3 cisions of the local educational agency and the
4 school that impact the school and could have
5 contributed to the identification of the school.

6 “(2) PLAN.—Based on the results of the review
7 under paragraph (1), the local educational agency,
8 in consultation with school personnel, parents, and
9 the local community, shall—

10 “(A) determine the appropriate school
11 turnaround strategy from subsection (c) for the
12 identified school; and

13 “(B) develop a comprehensive plan for the
14 successful implementation of the identified
15 school turnaround strategy, including a descrip-
16 tion of—

17 “(i) technical assistance that will be
18 provided to the school;

19 “(ii) improved delivery of services to
20 be provided by the local educational agen-
21 cy;

22 “(iii) curriculum, program of instruc-
23 tion, or other services provided to students
24 in the school; and

1 “(iv) any changes to personnel nec-
2 essary to improve educational opportunities
3 for children in the school.

4 “(3) PLAN IMPLEMENTATION.—Except as pro-
5 vided in paragraph (4), a school shall implement the
6 school plan (including a revised plan), as described
7 in paragraph (2)(B), immediately upon approval.

8 “(4) DELAYED PLAN IMPLEMENTATION.—Not-
9 withstanding paragraph (3), a local educational
10 agency may allow a school to begin implementation
11 of the plan not later than the beginning of the next
12 full school year following the identification under
13 subsection (a)(1)(B).

14 “(5) NOTICE TO PARENTS.—A local educational
15 agency shall promptly provide to a parent or parents
16 of each student enrolled in a school identified under
17 subsection (a)(1)(B)—

18 “(A) an explanation of what the identifica-
19 tion means, and how the school compares in
20 terms of academic achievement to other elemen-
21 tary schools or secondary schools served by the
22 local educational agency and the State edu-
23 cational agency involved;

24 “(B) the reasons for the identification;

1 “(C) an explanation of what the local edu-
2 cational agency or State educational agency is
3 doing to help the school address the student
4 academic achievement problem, including a de-
5 scription of the school turnaround strategy
6 identified in subsection (c)(1) that will be used
7 in the school;

8 “(D) an explanation of how the parents
9 can become involved in addressing the academic
10 achievement issues that caused the school to be
11 identified; and

12 “(E) an explanation of the parents’ option
13 to transfer their child to another public school
14 under subsection (c)(2).

15 “(c) SCHOOL TURNAROUND AND PUBLIC SCHOOL
16 CHOICE.—

17 “(1) SCHOOL TURNAROUND STRATEGIES.—
18 Consistent with subsections (a)(1) and (b)(1), a local
19 educational agency shall identify a school turn-
20 around strategy from among the following for an
21 identified school:

22 “(A) TRANSFORMATION STRATEGY.—A
23 transformation strategy is where a local edu-
24 cational agency—

1 “(i) replaces the principal who led the
2 school before implementation of the strat-
3 egy;

4 “(ii) provides ongoing, high-quality
5 professional development to instructional
6 staff that is aligned with the school’s in-
7 structional program, facilitates effective
8 teaching and learning, and supports the
9 implementation of school turnaround
10 model;

11 “(iii) implements strategies, such as
12 financial incentives, increased opportunities
13 for promotion and career growth, and more
14 flexible work conditions, that are designed
15 to recruit, place, and retain staff with the
16 skills that are necessary to meet the needs
17 of the students in the school;

18 “(iv) uses data to identify and imple-
19 ment a research-based instructional pro-
20 gram that is aligned with State academic
21 standards;

22 “(v) promotes the continuous use of
23 student data to provide instruction that
24 meets the academic needs of individual stu-
25 dents;

1 “(vi) establishes schedules and strate-
2 gies that provide increased quality learning
3 time;

4 “(vii) provides for ongoing parent and
5 community engagement;

6 “(viii) gives the school sufficient oper-
7 ational flexibility in programming, staffing,
8 budgeting, and scheduling to fully imple-
9 ment a comprehensive strategy that is de-
10 signed to substantially improve student
11 achievement and, if applicable, increase the
12 graduation rate; and

13 “(ix) ensures that the school receives
14 ongoing, intensive technical assistance and
15 related support from the local educational
16 agency, the State educational agency, or
17 an outside partner.

18 “(B) RESTART STRATEGY.—A restart
19 strategy is where a local educational agency—

20 “(i) converts a school or closes and re-
21 opens the school—

22 “(I) under a charter school oper-
23 ator;

24 “(II) a charter management or-
25 ganization;

1 “(III) an education management
2 organization;

3 “(IV) as a magnet school; or

4 “(V) as an innovative school as
5 defined under State law;

6 “(ii) implements a rigorous review
7 process to select such school; and

8 “(iii) enrolls in the school, within the
9 grades it serves, any former student from
10 the identified school who wishes to attend
11 the school.

12 “(C) SCHOOL CLOSURE STRATEGY.—A
13 school closure strategy is where a local edu-
14 cational agency—

15 “(i) closes a school and enrolls the
16 students who attended that school in other
17 schools of the local educational agency that
18 are higher performing; and

19 “(ii) provides information to children
20 who attended that school and their parents
21 about high-quality educational options and
22 transition and support services.

23 “(D) TURNAROUND STRATEGY.—A turn-
24 around strategy is where a local educational
25 agency—

1 “(i) replaces the principal and gives
2 the new principal sufficient operational
3 flexibility (including over staffing, the
4 school day and school calendar, and budg-
5 eting) to fully implement a comprehensive
6 approach to improve student outcomes;

7 “(ii) screens all existing teachers and
8 retains not more than 50 percent of such
9 teachers;

10 “(iii) provides instructional staff with
11 ongoing, high-quality professional develop-
12 ment that is aligned with the school’s in-
13 structional program, facilitates effective
14 teaching and learning, and supports the
15 implementation of school turnaround mod-
16 els;

17 “(iv) adopts a new governance struc-
18 ture for the school;

19 “(v) uses data to identify and imple-
20 ment a research-based instructional pro-
21 gram and to inform and differentiate in-
22 struction in order to meet the academic
23 needs of individual students;

1 “(vi) establishes schedules and imple-
2 ments strategies that provide increased
3 quality learning time; and

4 “(vii) includes strategies and activities
5 that address the needs of students.

6 “(E) STATE DETERMINED STRATEGY.—A
7 State educational agency may, with the ap-
8 proval of the Secretary, establish an alternative
9 State determined school turnaround strategy
10 that can be used by local educational agencies
11 in addition to the strategies identified in sub-
12 paragraphs (A) through (D).

13 “(F) WAIVER.—

14 “(i) IN GENERAL.—A local edu-
15 cational agency that is determined to be el-
16 igible for services under subpart 1 or 2 of
17 title VI may seek a waiver from the State
18 educational agency to modify any 1 ele-
19 ment of the strategies identified in sub-
20 paragraphs (A) through (D) to better meet
21 the needs of rural areas.

22 “(ii) PROHIBITION ON REGULA-
23 TION.—The Secretary shall not promulgate
24 any regulation, or issue any guidance that
25 specifies, defines, or prescribes the criteria

1 that a State educational agency uses to
2 provide waivers to local educational agen-
3 cies under this subparagraph.

4 “(2) PUBLIC SCHOOL CHOICE.—

5 “(A) IN GENERAL.—In addition to the
6 school turnaround strategy determined under
7 paragraph (1), a local educational agency shall,
8 not later than 3 months before the first day of
9 the school year following identification under
10 subsection (a)(1)(B), provide all students en-
11 rolled in the identified school with the option to
12 transfer to another public school served by the
13 local educational agency that has not been iden-
14 tified under subsection (a)(1)(B), unless such
15 an option is prohibited by State law.

16 “(B) PRIORITY.—In providing students the
17 option to transfer to another public school, the
18 local educational agency shall give priority to
19 the lowest achieving children from low-income
20 families, as determined by the local educational
21 agency for the purposes of allocating funds to
22 schools under section 1113(a)(3).

23 “(C) TREATMENT.—Students who use the
24 option to transfer to another public school shall
25 be enrolled in classes and other activities in the

1 public school to which the students transfer in
2 the same manner as all other children at the
3 public school.

4 “(D) SPECIAL RULE.—A local educational
5 agency shall permit a child who transfers to an-
6 other public school under this paragraph to re-
7 main in that school until the child has com-
8 pleted the highest grade in that school.

9 “(E) PROVISION OF TRANSPORTATION.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), a local educational
12 agency shall provide, or shall pay for the
13 provision of, transportation for a student
14 who transfers under this paragraph to the
15 public school to which the student trans-
16 fers.

17 “(ii) EXCEPTION.—The obligation of
18 a local educational agency to provide, or
19 pay for the provision of, transportation for
20 a student who transfers under this para-
21 graph ends at the end of a school year if
22 the local educational agency determines
23 that the school from which the student
24 transferred is no longer identified under
25 subsection (a)(1)(B).

1 “(3) FUNDS FOR SCHOOL TURNAROUND
2 GRANTS.—

3 “(A) IN GENERAL.—

4 “(i) GRANTS AUTHORIZED.—The Sec-
5 retary shall award grants to States, the
6 Bureau of Indian Education of the Depart-
7 ment of the Interior, and outlying areas
8 from allotments made under clause (ii) to
9 carry out activities consistent with this
10 paragraph.

11 “(ii) ALLOTMENTS.—From the total
12 amount appropriated under section
13 1002(b) for a fiscal year, the Secretary
14 shall allot to each State, the Bureau of In-
15 dian Education of the Department of the
16 Interior, and each outlying area for such
17 fiscal year, an amount that bears the same
18 relationship to such total amount as the
19 amount such State, the Bureau of Indian
20 Education of the Department of the Inte-
21 rior, or such outlying area received under
22 this part for the most recent preceding
23 year for which the data are available bears
24 to the amount received by all such States,
25 the Bureau of Indian Education of the De-

1 partment of the Interior, and all such out-
2 lying areas under this part for such most
3 recent preceding fiscal year.

4 “(B) USE OF GRANT FUNDS.—

5 “(i) RESERVATION.—A State edu-
6 cational agency that receives a grant under
7 subparagraph (A) shall use not less than
8 95 percent of the grant funds to make
9 competitive subgrants to local educational
10 agencies under subparagraph (C) to carry
11 out the purpose of this paragraph, except
12 that a State educational agency may re-
13 serve from this amount such additional
14 funds as are necessary to implement a
15 school turnaround strategy in a school that
16 has been taken over by the State edu-
17 cational agency as long as such funds are
18 similar to the amounts awarded through
19 competitive grants under this paragraph to
20 other local educational agencies.

21 “(ii) ACTIVITIES.—A State edu-
22 cational agency shall use any portion of its
23 grant funds that it does not use under
24 clause (i) to carry out activities to support

1 school and local educational agency im-
2 provements. These activities may include—

3 “(I) providing technical assist-
4 ance and other support to local edu-
5 cational agencies; and

6 “(II) evaluating State and local
7 implementation of school turnaround
8 strategies and other improvement ac-
9 tivities, and using the results to im-
10 prove strategies for supporting and
11 providing flexibility for identified
12 schools.

13 “(C) SUBGRANTS TO LOCAL EDUCATIONAL
14 AGENCIES.—

15 “(i) IN GENERAL.—From the funds
16 available under subparagraph (B)(i), a
17 State educational agency shall make sub-
18 grants, on a competitive basis, to local edu-
19 cational agencies that serve a school identi-
20 fied under subsection (a)(1)(B).

21 “(ii) DURATION.—The State edu-
22 cational agency shall award subgrants
23 under this paragraph for a period of not
24 more than 5 years.

1 “(iii) CRITERIA.—Subgrants awarded
2 under this paragraph shall be of sufficient
3 size to enable a local educational agency to
4 effectively implement the selected interven-
5 tion strategy.

6 “(D) APPLICATION.—In order to receive a
7 subgrant under this paragraph, a local edu-
8 cational agency shall submit an application to a
9 State educational agency at such time, in such
10 form, and including such information as the
11 State educational agency may require. Each ap-
12 plication shall include, at a minimum—

13 “(i) a description of the process the
14 local educational agency has used for se-
15 lecting an appropriate school turnaround
16 strategy for each school to be served, in-
17 cluding how the local educational agency
18 has analyzed the needs of each such school;

19 “(ii) the school turnaround strategy to
20 be used in each school to be served and the
21 timeline for implementing the selected
22 school turnaround strategy in each school
23 to be served;

24 “(iii) a detailed budget covering the
25 grant period, including planned expendi-

1 tures at the school level for activities sup-
2 porting full and effective implementation of
3 the selected school turnaround strategy;

4 “(iv) a description of how the local
5 educational agency will—

6 “(I) design and implement a
7 school turnaround strategy consistent
8 with the requirements of the strategy
9 selected under paragraph (1), includ-
10 ing the use of appropriate measures
11 to monitor the effectiveness of imple-
12 mentation;

13 “(II) align other Federal, State,
14 and local resources with the turn-
15 around strategy;

16 “(III) modify practices and poli-
17 cies, if necessary, to provide oper-
18 ational flexibility that enables full and
19 effective implementation of the se-
20 lected school turnaround strategy;

21 “(IV) collect and use data on an
22 ongoing basis to adjust implementa-
23 tion of the school turnaround strategy
24 during implementation in order to im-
25 prove student academic achievement;

1 “(V) ensure that the implementa-
2 tion of the school turnaround strategy
3 meets the needs of each category of
4 students described in subclauses (I)
5 through (IV) of section
6 1111(b)(2)(B)(viii); and

7 “(VI) sustain successful reforms
8 and practices after the funding period
9 ends;

10 “(v) a description of the technical as-
11 sistance and other support that the local
12 educational agency will provide to ensure
13 effective implementation of school turn-
14 around strategies in identified schools; and

15 “(vi) an assurance that each school
16 the local educational agency proposes to
17 serve will receive all of the State and local
18 funds it would have received in the absence
19 of funds received under this paragraph.

20 “(E) LOCAL ACTIVITIES.—A local edu-
21 cational agency that receives a subgrant under
22 this section—

23 “(i) shall use the subgrant funds to
24 implement a school turnaround strategy in
25 schools identified under subsection

1 (a)(1)(B) that consists of 1 or more of the
2 strategy models described in paragraph
3 (1); and

4 “(ii) may use the subgrant funds to
5 carry out local educational agency-level ac-
6 tivities that directly support the implemen-
7 tation of the school turnaround strategy
8 selected for implementation, such as—

9 “(I) carrying out pre-implemen-
10 tation activities at the school or local
11 educational agency level during the
12 school year prior to school year in
13 which the agency will fully implement
14 the school turnaround strategy;

15 “(II) recruiting effective teachers
16 and principals for such schools;

17 “(III) developing teacher and
18 principal evaluation systems con-
19 sistent with the requirements of part
20 A of title II; or

21 “(IV) providing supplemental
22 educational services to eligible chil-
23 dren identified as being most at risk
24 of academic failure.

25 “(4) FUNDS FOR TRANSPORTATION.—

1 “(A) IN GENERAL.—Unless a lesser
2 amount is needed to comply with paragraph
3 (2)(E), a local educational agency shall spend
4 an amount equal to 5 percent of its allocation
5 under subpart 2 to carry out the transportation
6 requirements under such paragraph.

7 “(B) TOTAL AMOUNT.—The total amount
8 described in subparagraph (A) is the maximum
9 amount the local educational agency shall be re-
10 quired to spend under this part on the trans-
11 portation requirements under paragraph (2)(E).

12 “(C) INSUFFICIENT FUNDS.—If the
13 amount of funds available under subparagraph
14 (A) to provide transportation services under
15 paragraph (2)(E) is insufficient to provide serv-
16 ices to each child whose parents request the
17 services, the local educational agency shall give
18 priority to providing the services to the lowest-
19 achieving children.

20 **“SEC. 1115. SCHOOL SUPPORT AND RECOGNITION.**

21 “(a) SYSTEM FOR SUPPORT.—

22 “(1) IN GENERAL.—Each State may establish a
23 statewide system to identify schools and local edu-
24 cational agencies that receive funds under this title
25 and that deserve recognition for improving student

1 achievement or need assistance to improve student
2 achievement.

3 “(2) STATEWIDE SYSTEM FOR RECOGNITION.—

4 In order to achieve the purpose described in para-
5 graph (1), the statewide system for recognition may
6 include the following approaches:

7 “(A) Establishing a program for making
8 academic achievement awards to recognize
9 schools that make significant progress in im-
10 proving student academic achievement, as de-
11 termined by the State.

12 “(B) Sharing best practices from schools
13 identified under this section with schools that
14 have low student achievement or significant
15 gaps in achievement among categories of stu-
16 dents described in subclauses (I) through (IV)
17 of section 1111(b)(2)(B)(viii).

18 “(C) Identifying the practices described in
19 subparagraph (B).

20 “(D) Other strategies identified by the
21 State as appropriate.

22 “(3) STATEWIDE SYSTEM OF SUPPORT.—In
23 order to achieve the purpose described in paragraph
24 (1), the statewide system of support may include the
25 following approaches:

1 “(A) Providing technical assistance and fi-
2 nancial support to improve the capacity of local
3 educational agencies to improve student
4 achievement.

5 “(B) Establishing a program for identi-
6 fying schools and local educational agencies
7 with significant challenges in improving student
8 achievement and providing assistance on devel-
9 oping strategies to address such challenges.

10 “(C) Other strategies identified by the
11 State as appropriate.

12 “(b) FUNDING.—Each State may use State adminis-
13 trative funds authorized under section 1003(a) for the
14 purposes of this section.

15 **“SEC. 1117. RESERVED.”;**

16 and

17 (2) by striking section 1119 and inserting the
18 following:

19 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
20 **PROFESSIONALS.**

21 “(a) TEACHERS.—Each local educational agency re-
22 ceiving assistance under this part shall ensure that all
23 teachers working in a program supported with funds
24 under this part meet applicable State certification and li-
25 censure requirements.

1 “(b) PARAPROFESSIONALS.—

2 “(1) IN GENERAL.—Each local educational
3 agency receiving assistance under this part shall en-
4 sure that all paraprofessionals hired after the date
5 of enactment of the No Child Left Behind Act of
6 2001 (Public Law 107–110) and working in a pro-
7 gram supported with funds under this part have—

8 “(A) completed not less than 2 years of
9 study at an institution of higher education;

10 “(B) obtained an associate’s (or higher)
11 degree; or

12 “(C) met a rigorous standard of quality
13 and can demonstrate, through a formal State or
14 local academic assessment—

15 “(i) knowledge of, and the ability to
16 assist in, instructing, reading, writing, and
17 mathematics; or

18 “(ii) knowledge of, and the ability to
19 assist in, reading readiness, writing readi-
20 ness, and mathematics readiness, as appro-
21 priate.

22 “(2) CLARIFICATION.—The receipt of a sec-
23 ondary school diploma (or its recognized equivalent)
24 shall be necessary but not sufficient to satisfy the
25 requirements of paragraph (1)(C).

1 “(c) EXCEPTIONS FOR TRANSLATION AND PARENTAL
2 INVOLVEMENT ACTIVITIES.—Subsection (b) shall not
3 apply to a paraprofessional—

4 “(1) who is proficient in English and a lan-
5 guage other than English and who provides services
6 primarily to enhance the participation of children in
7 programs under this part by acting as a translator;
8 or

9 “(2) whose duties consist solely of conducting
10 parental involvement activities consistent with sec-
11 tion 1118.

12 “(d) DUTIES OF PARAPROFESSIONALS.—

13 “(1) IN GENERAL.—Each local educational
14 agency receiving assistance under this part shall en-
15 sure that a paraprofessional working in a program
16 supported with funds under this part is not assigned
17 a duty inconsistent with this subsection.

18 “(2) LIMITATIONS.—A paraprofessional de-
19 scribed in paragraph (1) may only provide instruc-
20 tional service to a student under the direct super-
21 vision of a teacher or principal.

22 “(3) RESPONSIBILITIES PARAPROFESSIONALS
23 MAY BE ASSIGNED.—A paraprofessional described in
24 paragraph (1) may be assigned—

1 “(3) RESPONSIBILITIES PARAPROFESSIONALS
2 MAY BE ASSIGNED.—A paraprofessional described in
3 paragraph (1) may be assigned—

4 “(A) to provide one-on-one tutoring for eli-
5 gible students, if the tutoring is scheduled at a
6 time when a student would not otherwise re-
7 ceive instruction from a teacher;

8 “(B) to assist with classroom management,
9 such as organizing instructional and other ma-
10 terials;

11 “(C) to provide assistance in a computer
12 laboratory;

13 “(D) to conduct parental involvement ac-
14 tivities;

15 “(E) to provide support in a library or
16 media center;

17 “(F) to act as a translator; or

18 “(G) to provide instructional services to
19 students in accordance with paragraph (2).”.

20 **TITLE II—ACADEMIC**
21 **ASSESSMENTS**

22 **SEC. 201. ACADEMIC ASSESSMENTS.**

23 Part B of title I (20 U.S.C. 6361 et seq.) is amended
24 to read as follows:

1 **“PART B—ACADEMIC ASSESSMENTS**

2 **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**
3 **LATED ACTIVITIES.**

4 “The Secretary shall make grants to States to enable
5 the States to carry out the following:

6 “(1) To pay the costs of the development of the
7 additional State assessments and standards required
8 by section 1111(b), which may include the costs of
9 working in voluntary partnerships with other States,
10 at the sole discretion of each such State.

11 “(2) If a State has developed the assessments
12 required by section 1111(b), to administer those as-
13 sessments or to carry out other activities described
14 in this part and other activities related to ensuring
15 that the State’s schools and local educational agen-
16 cies are held accountable for results, such as the fol-
17 lowing:

18 “(A) Expanding the range of appropriate
19 accommodations available to English language
20 learners and students with disabilities to im-
21 prove the rates of inclusion in regular assess-
22 ments of such students, including professional
23 development activities to improve the implemen-
24 tation of such accommodations in instructional
25 practice.

1 “(B) Developing or improving assessments
2 for students with disabilities, including the de-
3 velopment of assessments—

4 “(i) for all students, including stu-
5 dents with disabilities, using the principles
6 of universal design;

7 “(ii) aligned to modified State content
8 standards; and

9 “(iii) aligned to alternate State con-
10 tent standards for students with the most
11 significant cognitive disabilities.

12 “(C) Developing college and career ready
13 State academic content and student academic
14 achievement standards and aligned assessments
15 in academic subjects for which standards and
16 assessments are not required by section
17 1111(b).

18 “(D) Developing or improving assessments
19 of English language proficiency necessary to
20 comply with section 1111(b)(2)(B)(vi)(IV).

21 “(E) Ensuring the continued validity and
22 reliability of State assessments.

23 “(F) Refining State assessments to ensure
24 their continued alignment with the State’s aca-
25 demic content standards and to improve the

1 alignment of curricula and instructional mate-
2 rials.

3 **“SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRU-**
4 **MENTS.**

5 “(a) GRANT PROGRAM AUTHORIZED.—

6 “(1) IN GENERAL.—From funds made available
7 to carry out this part, the Secretary shall award, on
8 a competitive basis, grants to State educational
9 agencies to enable the agencies to carry out the ac-
10 tivities described in this section.

11 “(2) APPLICATION.—A State educational agen-
12 cy that desires to receive a grant under this section
13 shall submit an application to the Secretary at such
14 time, in such manner, and containing such informa-
15 tion as the Secretary may require.

16 “(3) AWARD OF GRANTS.—The Secretary shall
17 award grants to State educational agencies whose
18 applications demonstrate, to the satisfaction of the
19 Secretary, that the following requirements of this
20 section will be met:

21 “(A) Developing or improving assessments
22 for students with disabilities, including the de-
23 velopment of assessments—

1 “(i) for all students, including stu-
2 dents with disabilities, using the principles
3 of universal design;

4 “(ii) aligned to modified State content
5 standards; and

6 “(iii) aligned to alternate State con-
7 tent standards for students with the most
8 significant cognitive disabilities.

9 “(B) Collaborating with institutions of
10 higher education, other research institutions, or
11 other organizations to improve the quality, va-
12 lidity, and reliability of State academic assess-
13 ments.

14 “(C) Measuring student academic achieve-
15 ment using multiple measures of student aca-
16 demic achievement from multiple sources.

17 “(D) Measuring student progress or aca-
18 demic growth over time.

19 “(E) Evaluating student academic achieve-
20 ment through the development of comprehensive
21 academic assessment instruments, such as per-
22 formance and technology-based academic as-
23 sessments.

24 “(F) Developing or improving the quality,
25 validity, and reliability of assessments for

1 English language learners, including alternative
2 assessments aligned with State content stand-
3 ards, testing accommodations for English lan-
4 guage learners, and assessments of English lan-
5 guage proficiency.

6 “(b) ANNUAL REPORT.—Each State educational
7 agency receiving a grant under this section shall submit
8 an annual report to the Secretary describing its activities,
9 and the result of those activities, under the grant.

10 **“SEC. 1203. FUNDING.**

11 “(a) ALLOTMENT OF APPROPRIATED FUNDS.—

12 “(1) IN GENERAL.—From amounts made avail-
13 able for each fiscal year under subsection 1002(c)
14 that are equal to or less than the amount described
15 in section 1111(b)(2)(F) (referred to in this sub-
16 section as the ‘trigger amount’), the Secretary
17 shall—

18 “(A) reserve one-half of 1 percent for the
19 Bureau of Indian Affairs;

20 “(B) reserve one-half of 1 percent for the
21 outlying areas; and

22 “(C) from the remainder, allocate to each
23 State an amount equal to—

24 “(i) \$3,000,000; and

1 “(ii) with respect to any amounts re-
2 maining after the allocation is made under
3 clause (i), an amount that bears the same
4 relationship to such total remaining
5 amounts as the number of students ages 5
6 through 17 in the State (as determined by
7 the Secretary on the basis of the most re-
8 cent satisfactory data) bears to the total
9 number of such students in all States.

10 “(2) REMAINDER.—Any amounts remaining for
11 a fiscal year after the Secretary carries out para-
12 graph (1) shall be made available as follows:

13 “(A)(i) To award funds under section 1202
14 to States according to the quality, needs, and
15 scope of the State application under that sec-
16 tion.

17 “(ii) In determining the grant amount
18 under clause (i), the Secretary shall ensure that
19 a State’s grant shall include an amount that
20 bears the same relationship to the total funds
21 available under this paragraph for the fiscal
22 year as the number of students ages 5 through
23 17 in the State (as determined by the Secretary
24 on the basis of the most recent satisfactory

1 data) bears to the total number of such stu-
2 dents in all States.

3 “(B) Any amounts remaining after the
4 Secretary awards funds under subparagraph
5 (A) shall be allocated to each State that did not
6 receive a grant under such subparagraph, in an
7 amount that bears the same relationship to the
8 total funds available under this subparagraph
9 as the number of students ages 5 through 17
10 in the State (as determined by the Secretary on
11 the basis of the most recent satisfactory data)
12 bears to the total number of such students in
13 all States.

14 “(3) PRIORITY.—The Secretary shall give pri-
15 ority to States that propose to conduct activities
16 consistent with section 1202(a)(3)(A).

17 “(b) STATE DEFINED.—In this section, the term
18 ‘State’ means each of the 50 States, the District of Colum-
19 bia, and the Commonwealth of Puerto Rico.”.

20 **TITLE III—NATIONAL**
21 **ASSESSMENT OF TITLE I**

22 **SEC. 301. EVALUATIONS.**

23 Section 1501 (20 U.S.C. 6491) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 “relative to the goal of all students reach-
3 ing the proficient level of achievement
4 based on State academic assessments,
5 challenging State academic content stand-
6 ards, and challenging State student aca-
7 demic achievement standards under section
8 1111.” and inserting “so that all students
9 are prepared to graduate from high school
10 ready to enter college or a career without
11 the need for academic remediation”;

12 (ii) by striking subparagraphs (D),
13 (F), and (G);

14 (iii) by redesignating subparagraphs
15 (E), (H), (I), (J), (K), (L), (M), (N), and
16 (O), as subparagraphs (D), (E), (F), (G),
17 (H), (I), (J), (K), and (L), respectively;

18 (iv) in subparagraph (D), as redesign-
19 nated by clause (iii)—

20 (I) in clause (iii), by adding
21 “and” after the semicolon;

22 (II) in clause (iv), by striking “;
23 and” and inserting a period; and

24 (III) by striking clause (v);

1 (v) by striking subparagraph (F), as
2 redesignated by clause (iii), and inserting
3 the following:

4 “(G) The extent to which actions author-
5 ized under section 1114(c) are implemented by
6 State educational agencies and local educational
7 agencies to improve the academic achievement
8 of students in low-performing schools, and the
9 effectiveness of such actions, including the fol-
10 lowing:

11 “(i) The number of schools identified
12 under section 1114(a)(1)(B) and how
13 many years schools remain so identified.

14 “(ii) The school turnaround models
15 implemented by the State educational
16 agency and the local educational agency
17 and the impact of such models on improv-
18 ing student academic achievement and im-
19 proving school performance.

20 “(iii) The number of parents who take
21 advantage of the public school choice provi-
22 sions of this title, the costs (including
23 transportation costs) associated with im-
24 plementing these provisions, the implemen-
25 tation of these provisions, and the impact

1 of these provisions (including the impact of
2 attending another school) on student
3 achievement.”; and

4 (vi) in subparagraph (K), as redesignig-
5 nated by clause (iii), by striking “section
6 1111(b)(2)(C)(v)(II)” and inserting “sub-
7 clauses (I) through (IV) of section
8 1111(b)(2)(B)(viii)”; and
9 (B) in paragraph (6)—

10 (i) in subparagraph (A), by striking
11 “the No Child Left Behind Act of 2001”
12 and inserting “Elementary and Secondary
13 Education Amendments Act of 2011”; and

14 (ii) in subparagraph (B), by striking
15 “the No Child Left Behind Act of 2001”
16 and inserting “Elementary and Secondary
17 Education Amendments Act of 2011”; and

18 (2) in subsection (c)(2)(E), by striking “section
19 1116” and inserting “section 1114(c)”.

20 **SEC. 302. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

21 Part E of title I (20 U.S.C. 6491 et seq.) is amended
22 by striking sections 1502 through 1504.

1 **TITLE IV—GENERAL**
2 **PROVISIONS**

3 **SEC. 401. GENERAL PROVISIONS.**

4 Title I (20 U.S.C. 6301 et seq.) is amended—

5 (1) by striking parts F, G, and H;

6 (2) by striking section 1908;

7 (3) by redesignating part I as part F;

8 (4) by redesignating sections 1901 through
9 1907 as sections 1601 through 1607; and

10 (5) in section 1604, as redesignated by para-
11 graph (4), by striking “6 local educational agencies”
12 and inserting “25 local educational agencies” both
13 places the term appears.

14 **TITLE V—TRANSFERABILITY OF**
15 **FUNDS**

16 **SEC. 501. TRANSFERABILITY OF FUNDS.**

17 Section 6123 (20 U.S.C. 7305b) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “not more than 50
22 percent of the nonadministrative State
23 funds” and inserting “all, or any lesser
24 amount, of State funds”; and

1 (ii) by striking subparagraphs (A)
2 through (D) and inserting the following:

3 “(A) Any provision of title II.

4 “(B) Any provision of title IV.”; and

5 (B) in paragraph (2), by striking “and
6 subject to the 50 percent limitation described in
7 paragraph (1)”;

8 (2) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A), by striking
11 “(except” and all that follows through
12 “subparagraph (C))” and inserting “may
13 transfer all, or any lesser amount, of the
14 funds allocated to it”;

15 (ii) by striking subparagraph (B);

16 (iii) by redesignating subparagraph
17 (C) as subparagraph (B); and

18 (iv) in subparagraph (B), as redesignated
19 by clause (iii), by striking “and sub-
20 ject to the percentage limitation described
21 in subparagraph (A) or (B), as applica-
22 ble”;

23 (B) in paragraph (2)—

1 (i) by striking “subparagraph (A),
 2 (B), or (C)” and inserting “subparagraph
 3 (A) or (B)”; and

4 (ii) by striking subparagraphs (A)
 5 through (D) and inserting the following:

6 “(A) Any provision of title II.

7 “(B) Any provision of title IV.”.

8 **TITLE VI—NATIONAL ASSESS-**
 9 **MENT OF EDUCATIONAL**
 10 **PROGRESS**

11 **SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.**

12 Section 305 of the National Assessment of Edu-
 13 cational Progress Authorization Act (20 U.S.C. 9624) is
 14 amended—

15 (1) by redesignating subsection (b) as sub-
 16 section (c); and

17 (2) by inserting after subsection (a) the fol-
 18 lowing:

19 “(b) STATE ASSESSMENTS.—For the purpose of ad-
 20 ministering the State assessments under this title, there
 21 are authorized to be appropriated \$72,000,000 for each
 22 of fiscal years 2012 through 2016.”.

○